

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 12, 19, and 20, claims 11, and 13 to 18 are pending in the present application. The Office Action refers to claims 1 to 10; however, in the Preliminary Amendment filed March 29, 2006, claims 11 to 20 were added and claims 1 to 10 were canceled without prejudice. As such, in order to facilitate prosecution, all of the foregoing amendments and following remarks make reference to the presently pending claims 11, and 13 to 20. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

It is noted that the Office Action Summary does not include an acknowledgment of the claim for foreign priority and does not indicate receipt of a certified copy of the priority document. In this regard, a claim of priority to Application No. 103 45 584.1, filed in the Federal Republic of Germany on September 29, 2003 was made, inter alia, in the "Combined Declaration and Power of Attorney for Patent Application," submitted in the present application on March 29, 2006. A certified copy of the priority document was submitted in the parent application. It is respectfully requested that the Examiner acknowledge the claim for foreign priority and acknowledge receipt of the certified copy of the priority document in the next Office communication.

### **II. Rejection of Claims 1 to 8 Under 35 U.S.C. § 112, Second Paragraph**

Claims 1 to 8 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Since claims 1 to 8 were canceled in the Preliminary Amendment, this rejection should be withdrawn.

### **III. Rejection of Claims 1 to 8 Under 35 U.S.C. § 102(b)**

Claims 1 to 8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,396,795 ("Araki"). Since claims 1 to 8 were canceled in the Preliminary Amendment, this rejection should be withdrawn. Notwithstanding the foregoing, it is respectfully submitted that pending claims 11 to 18 are patentable over Araki for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 11, as presented, relates to a hot-film air mass meter for recording an air flow rate in one of an intake air tract and a charge air tract of an internal combustion engine, including a sensor chip, and a substrate part that accommodates the sensor chip, wherein *the sensor chip is accommodated in a recess used to limit the sensor chip on all sides as a cavity at a circumflowed side of the substrate part.*

In contrast, Araki fails to identically disclose, or even suggest, all of the claimed features of claim 11, as presented. Specifically, nowhere does Araki indicate that the sensor chip is accommodated in a recess used to limit the sensor chip on all sides as a cavity at a circumflowed side of the substrate part, as provided for in the context of claim 11. Instead, Araki indicates that a sensor element is “formed on the top surface of the thin film portions” of the semiconductor substrate. (Araki, col. 4, lines 47 to 49; col. 3, lines 64 to 66; col. 2, lines 59 to 61; and Figures 1B and 7). Nowhere does Araki even mention that the sensor chip is accommodated in a recess of the substrate part. Further, the Office Action refers to col. 5, lines 2 to 21 of Araki. However, this section of Araki merely indicates “a recess, in which a ball-like gold bump is placed” (Araki, col. 5, lines 20 to 23), which “gold bumps are alloyed with the metals of the connecting terminals under heat and pressure to join the flexible lead and semiconductor chip together.” (Araki, col. 5, lines 10 to 14). Thus, this section of Araki merely indicates a method for establishing an electrical connection between the flexible lead and semiconductor chip, but does not indicate that the sensor chip is accommodated in a recess of the substrate part.

Therefore, it is plainly apparent that Araki fails to identically disclose, or even suggest, a sensor chip, and a substrate part that accommodates the sensor chip, wherein *the sensor chip is accommodated in a recess used to limit the sensor chip on all sides as a cavity at a circumflowed side of the substrate part*, as provided

for in the context of claim 11, as presented. Accordingly, it is respectfully submitted that Araki does not anticipate claim 11.

As for claims 13 to 18, which ultimately depend from claim 11, and therefore include all of the features recited in claim 11, it is respectfully submitted that Araki does not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 11.

For at least the foregoing reasons, withdrawal of these rejections is respectfully requested.

#### IV. Conclusion

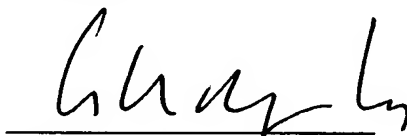
It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

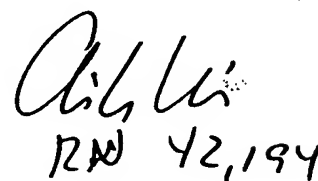
Date:

Dec. 14, 2000

By:



Gerard A. Messina  
Reg. No. 35,952



RW 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**